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**SPEECH**  
OF  
**THOMAS KENNEDY, Esq.**  
IN THE  
**LEGISLATURE OF MARYLAND,**  
ON THE  
BILL RESPECTING  
**Civil Rights and Religious Privileges.**

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## CIVIL RIGHTS AND RELIGIOUS PRIVILEGES.

First speech of Mr. T. Kennedy, of Washington County, in the Maryland House of Delegates, on the bill entitled, "An act to extend to all the citizens of Maryland, the same civil rights and religious privileges, that are enjoyed under the constitution of the United States."

JANUARY 10, 1823.

MR. SPEAKER,

"Now's the day, and now's the hour, and to me it is a most interesting hour, the most interesting hour of my life; for although I have often said that I was always prepared, always ready to meet the discussion of this important question, yet, now that the time has arrived, when we are called upon to decide it, I approach it with fear and trembling, and conscious of my inability to do it that justice which it merits, I am almost ready to shrink from the task. You know sir, that I am not a public speaker, no orator, no logical reasoner; that I cannot even express my sentiments, except in a rough, rude, unpolished manner, and I have often to be indebted to your kindness for indulging me, even when not altogether in order, and if in the course of this debate any expressions should fall from me calculated to wound the feelings of any member of this house, he may rest assured that such is not my intention; if I talk freely of religion, and of the state of Maryland; it will not be from a want of sincere regard and respect. It is my wish to meet and discuss this subject, as I do all others that come before us with fairness and with candour; and if I do not express myself as I ought to do. You will as on other occasions make proper allowances for me.

Of the christian religion which I profess to believe, it is far from my intention to speak irreverently. Of Maryland to whom I owe so much, and for whose character and prosperity I feel the most sincere regard, I never can speak lightly; the best part of my life has been spent in Maryland, and here it is probable my bones will rest at last, and I shall tell my children never to leave Maryland, for if I am not much mistaken she is destined to be one of the most important states in the union. It is because I wish to see religion flourish without the aid of persecution that I now advocate the bill which has just been read, it is because I love Maryland with all my heart and soul, that I wish to see her pure, spotless and irreproachable; the abode of liberty, the home of independence.

The bill now before us has been playfully called more than once, a favorite baby, or bantling of mine, and although I do not claim the honor of being its first parent, in my eyes it does indeed appear a sweet, a lovely child, and ere it is a year old will become the darling and the pride of Maryland, who will press it to her bosom as her own; it will look up with laughing eyes to its grand papa the venerable member from Allegany, and smile on its old friends from Baltimore and Cecil, it will meet with a cordial reception on the Western, and a hospitable welcome in every county on the Eastern shore; it will grow up beloved by all, and when arrived at the years of maturity, when of an age able to leave its native home, its first visit will be paid to a spot that was once Maryland, but is now Columbia, and there it will be seen sitting on the tomb, or scattering wild flowers around the grave of its first, its earliest friend—then tears will flow to the memory, and sighs will heave in sweet remembrance of one beloved and dear—in remembrance of him who *was* a Pinkney; for alas! there is no Pinkney now.

We too Mr. Speaker, may sigh and weep when we think "*there was a Pinkney.*" He whom Maryland could proudly call her own, her matchless favorite son. To whom senates listened with admiration and that devout attention, which such commanding eloquence as his alone could inspire; he who on this floor almost thirty years ago appeared the bold and undaunted champion of civil and religious liberty—O! had that illustrious man when he left this world and winged his flight to the regions of bliss, let fall his mantle upon me for one short hour, I could then have placed this question before you in so luminous, so clear a point of view, and in so plain and persuasive a manner, that would have silenced all opposition and ensured complete success.



But it is well, it is truly fortunate for me, that the cause I advocate is the cause of truth; I know it, I feel it to be so; and nothing but a consciousness of this kind could make me ready and willing, weak and unarmed as I am, to meet a host of adversaries, confident of success, for the justice of the cause must flash conviction on every unprejudiced mind, which meets the question fairly.

This is a plain and simple question. For what do I contend? What are the provisions of the bill upon your table? Merely, that the citizens of Maryland shall be placed with regard to their civil rights and religious privileges, on the same footing with the citizens of the adjoining states of Pennsylvania, Virginia and Delaware, and indeed of every other state in the union. This is all I ask, all that this bill provides for, and I assert with confidence and challenge contradiction on this point, that there is not another state in the union that requires a religious test as a qualification for office:—No, not one, except Maryland; this will scarcely be believed, but it is a positive fact, that cannot be denied. Neither under the constitution of the United States—nor under the constitution of any other state except Maryland, are men proscribed for their religious opinions; that is a question left to be settled between themselves and their God. And is this such a boon; such a favor; such an act of Grace? I ask it not as a favor at your hands, but demand it as an act of justice, which as the enlightened legislators of a free people you are bound to grant. I claim it as a right recognised by the old congress; and guaranteed to the citizens of Maryland by their own declaration of rights, by the declaration of independence, and by the constitution of the United States, the supreme law of the land, nay more as one of those inalienable and imprescriptible rights of man with which no human power or authority can justly interfere, one of those “inherent rights” which should always remain sacred, a right derived directly from him who made the heart; and in whose hands are the hearts of all men, and who can “turn them whither so ever he will.”

Nay so plain does this question appear to my mind, that it seems almost unnecessary to take up your time in arguing the subject, for I am well persuaded, that if it is fully understood, there will not, there cannot be any solid objection, to the bill on your table, either in this house, or among the people of Maryland. It is one of those subjects which bears the test of examination, and enquiry, and improves upon acquaintance; its friends are daily and hourly increasing, and public opinion is now decidedly in its favor; this is shewn in the re-election of those members who have formerly advocated the cause of civil and religious liberty on this floor; by the avowed change in the sentiments of many honorable men who are or have been members of this house; this is also unequivocally shewn in the sentiments promulgated through the press; for the honor of our country be it spoken, there is not a single newspaper in the land, that I have seen or heard of, whatever may be its political complexion that has come out in opposition to civil and religious liberty; on the contrary many of them have warmly and zealously espoused the cause.

There is one circumstance which has increased the number of its friends, and that is, that the present bill is general in its provisions, and grants no peculiar privileges to any particular sect. It is no doubt fresh in the recollection of many members present that I have more than once brought before this house what has been generally called the “Jew Bill,” which went to exempt that peculiar people from the religious test, and I am now fully convinced that the present bill in every point of view is much more perfect, as it places every citizen of Maryland on the same footing without any regard to his religious opinions; its provisions are strictly in consonance with those of the constitution of the United States, its principles have been sanctioned by the immortal Washington, and time and experience, have proved them to be salutary, and highly beneficial to our country. This therefore is not a Jew Bill, although that peculiar people will with all other sects be benefited by it, it is a Washington bill, a true American bill, and as such will I am convinced meet the approbation of this legislature.

It is I believe generally admitted even by the opponents of the present bill, that if we were now about framing a new constitution, that there would not be any religious test incorporated in it, nay, that the question would be set at rest for ever, by a declaration that no religious test should ever be required as a qualification for office, as is the ~~law~~ in the United States constitution, and as was done in the constitution of Delaware in 1792, and in most of the state constitutions of a recent date. If then it is admitted that it would not be necessary to insert any provisions requiring a religious test in a new constitution, as impolitic and useless and contrary to the spirit of our free institutions, it is equally wrong and unnecessary to suffer the test to remain in our present constitution as it operates oppressively on some of our citizens, and I care not whether it deprives ten, or ten thousand of their just rights, numbers cannot make a difference



to the principle, for if a single member of the body, or the body politic suffer, the whole body suffers also; if one citizen is denied the enjoyment of his rights to-day, numbers may be to-morrow, for the same cause and the same reasons, until at last the whole community may be reduced to a state of abject slavery.

It may be enquired why was a religious test originally incorporated in the constitution of Maryland? And the answers to the question will serve to convince us if we are open to conviction, that the present bill ought to pass. Our constitution was framed in 1776, at an early period of the revolution, and amidst the storms of war, when an angry foe was opposing us without, and when internal enemies were seeking our destruction in secret within; it was formed at the most important period of our eventful history, when all was commotion, and when the principles of civil and religious liberty were not so well understood, as in later times. The great object at that day was to unite the friends of liberty of every religious denomination, as I shall incontestibly prove to you, and the statesmen who framed that constitution, did much to ensure themselves a high place in their country's memory—the constitution they formed carried us through the revolutionary war with honor and glory, and under it the state has enjoyed much peace and prosperity, but they well knew that the instrument was not perfect, and accordingly it contains a provision by which it can be amended in a safe and simple way, and it has been so amended again and again, and the amendments have proved salutary and highly beneficial.

I am fully justified in concluding that if the constitution of Maryland had been framed at a later period that it would not have contained any religious test, from the fact that when the federal convention consisting of deputies from all the United States met in 1787, to form a constitution, they adopted the principle for which I contend in its fullest extent, and what is remarkable although much difference of opinion existed on other matters on this subject there was not a dissenting voice, they were *unanimous*; as appears by the following extract from their proceedings.

"Journal of the proceedings of the federal convention, August 30, 1787. It was moved and seconded to add the following to the 20th article: "But no religious test shall ever be required as a qualification to any office under the United States," which passed unanimously in the affirmative."

This one single circumstance, this stubborn fact should I think put an end to the controversy, and cause those who have hitherto hesitated as to the vote they should give on this bill to cry out "we are now satisfied, let it pass"—Look at the names of those illustrious men who formed the constitution, composed as the bright record is, of Revolutionary Heroes and Statesmen, with Washington at their head; there too is a Franklin, a Livingston, a Hamilton, a Madison, a Dickinson and a Mifflin, and many others whom their country have often delighted to honor; take them collectively, and you will scarcely find on the page of history a more worthy assemblage, and of virtue of the purest kind, talents of the first order, wisdom the most enlightened, and patriotism the most noble, are wanting to sanction the principle for which I contend, here is that sanction to be found—here is an example worthy our imitation, here is a precedent to which we can point with pride and with pleasure; to err with such men would be pardonable, but to follow their example in so glorious and good a cause is an honor almost too distinguished; too exalted; and for us to pronounce at this time of day, after an experience of thirty-five years has tested their principles, and stamped them with the seal of approbation, for us to pronounce them wrong, to despise their doctrines, to scorn their example, and to remain in the ranks of superstition and prejudice, in opposition to them, would appear to me I confess a sacrilegious act; it would be trampling on the constitution of the United States, and we might with equal consistency abjure the principals of seventy-six and the declaration of Independence.

But it was not in the federal convention alone, that these doctrines were sanctioned; this was done universally, in every state convention that assembled to ratify the constitution of the United States, even in Maryland there was no objection, and by the list which I shall now read to you of the members of our convention who ratified the United States constitution you will find the names of a number who formed the constitution of Maryland and all of them men who have stood, and did then stand high in their country's estimation. (Here Mr. K. read their names.) Surely these facts ought to convince every person, that had the constitution of Maryland been framed at a late period no religious test would ever have been required.

I contend further that the faith, the solemn faith of Maryland is pledged to grant civil and religious liberty to all her citizens. Maryland sent delegates to the old congress in 1774, and is bound to perform what they promised and they did promise civil and religious liberty to all persons who would join their standard. Here is their own



words. (Mr. K. here read extracts from the journals of congress, vol. 1, page 15, 101, 134, and vol. 2, 199, 292.) Were these pledges given to deceive, did Maryland join in the pious fraud, No! let it not even be whispered—and will she break her plighted faith, her Revolutionary pledge—No! she has too much honor, too much magnanimity for that. She can now redeem it. Ah! and they will redeem her pledge and fulfil her vows, made in the name of Independence at the altar of liberty, as all the other states have done.

But to present this question in a plain point of view, and to shew why a religious test was even in the days of the Revolution inserted in the constitution, it will be necessary to remove much ancient rubbish, and to go back to the first settlement of Maryland under the charter of King Charles the first; and upon enquiry we shall find that religious tyranny led in no inconsiderable degree to the settlement not only of this state, but also of the New England states; and whilst the Puritans were establishing themselves in the north, the Catholics were seeking an asylum in the south, and when we recollect that Episcopalians, Puritans, and Catholics, were so intolerant to each other in England, we cannot but admire the mysterious workings of divine providence which has ordained that this highly favoured land should be the scene, where religious liberty was first to be displayed in all its heavenly purity, and that here the jarring elements of religious controversy should mingle in peace.

The Catholics and Puritans, were intolerant to each other in England, and both were opposed to the Episcopalians, and these in their turn shewed but little of that spirit of christianity which our holy religion so strongly inculcates. A few years before the settlement of Maryland, James the first, in the second charter of Virginia, states that the principal effect desired or expected by the act was the conversion and reduction of the people in those parts, unto the true worship of God, and christian religion; and no person was to be permitted to pass, suspected to affect the superstitions of the church of Rome, and none were to be permitted to pass in the said country, but such as first had taken the oath of supremacy, which obliged the subject to acknowledge the king for supreme head of the church of England; and this oath of supremacy was tendered to Lord Baltimore, on his visit to Virginia by the assembly of that province, but it was rejected by him, and the reception of that conscientious nobleman in the "ancient dominion" in the now far famed hospitable state of Virginia, was more of a savage than a christian character; it was worse than savage, and he therefore soon bade them adieu, and sought for another shore, where though there was less of civilization, there was more of humanity; he sought and found our own dear and well beloved Maryland, and there after his decease his son raised in St. Mary's the great standard of civil and religious liberty, under which all nations shall one day assemble, he raised the banner of the cross, the ensign of that religion which breathes, in its every line, "peace on earth, good will to men;" that religion which has so often been used as a cloak, to cover designs the most despotic and tyrannical.

In the same year (1634,) historians tell us, that the Puritans of Massachusetts, led away by prejudice could not bear even to look upon the emblem of the cross on which the saviour died; full of religious zeal, they tore the cross out of the colours under which they mustered, as being a relique of anti-christian superstition. Here was fanaticism, and this too was called, this was believed to be christianity; this was done by those who called themselves the disciples of the meek and lowly Jesus; the purest of the pure among his disciples. Thank heaven, the scene has changed in all the New England states; the reign of fanaticism is there at an end for ever; even Massachusetts since the first agitation of this question in Maryland, within the last two years, has torn to atoms the last relique of superstition and intolerance; and though the question of religious liberty was first agitated in Maryland, Massachusetts has nobly led the way by a total abolition of her religious test; and that state where civil liberty was rocked in its cradle, has now at the breast its twin sister religious liberty; at the breast? no! it is a weaned and is a well grown proper child; and are we to continue spell bound in Maryland; are we to strangle our infant in the birth or stab her in the dark—are we to continue to be the mock and bye-word of other states, the scorn of the world, and an example, and an argument for religious intolerance to other nations?

The charter of Maryland, granted by King Charles, is much more liberal in its provisions than the second charter of Virginia, granted by the first James; and although it mentions the "pious zeal for extending the christian religion," yet it does not give a preference, nor does it proscribe any religious sect, and although it provides that no interpretation of the charter shall be made whereby God's holy and true christian religion shall in any wise suffer by change of prejudice; yet it does not say whether that "true religion" was Catholic, Puritanic or Episcopalian.



And it is due to the Catholics, the first founders of Maryland to state, that a liberal spirit seemed to characterize their public acts in all cases of a religious nature; for although in 1640, soon after the first settlement of the state, an act was passed which provided, "that the holy church within this province shall have and enjoy all her rights, liberties and franchises, wholly and without blemish." Yet another act was passed in 1649, of the most liberal character; which not only declared "that the enforcing the conscience in matters of religion hath frequently fallen out to be of dangerous consequence to those commonwealths where it hath been practised;" but also provided for the punishment by fine, or whipping, and imprisonment, without bail, of any person who should in a reproachful manner call any one by the name of Heretic, Schismatic, Idolator, Puritan, Independent, Presbyterian, Popish priest, &c. &c. or molest any person believing in Jesus Christ, on account of their religion, or compel them to the belief of or exercise of any other religion, against his or their consent.

Charles, from whom the charter of Maryland was obtained, was brought to the block by his own subjects, and Oliver Cromwell reigned in his stead, as Lord Protector; and now the Puritans were at the height of their power, and religious persecution became the order of the day even in infant Maryland, and we may here be surprised at the contrast between the liberal acts of the Catholic Calvert, and the agents of the Puritanic Cromwell.

In an assembly held at Patuxent in 1654, an act was passed entitled, "An act concerning religion," in which it was declared "that none who professed the Popish, (commonly called the Roman Catholic) religion could be protected in this province, by the laws of England formerly established, and yet unrepealed, but to be restrained from the free exercise thereof." &c. Other sects were to be protected in the exercise of their religion; but such liberty was not to be extended to Popery, or Prelacy, (or in other words to Catholics nor Episcopalians) nor to such as under the profession of Christ held forth and practised licentiousness, that is those who were opposed to the government of heaven's vice gerent, my Lord Protector Oliver Cromwell.

If these facts were not upon record, we might, Mr. Speaker, at this day, disbelieve them; but they are true; here they are staring us in the face. What! the founders of a colony, the owners of the soil, declared out of the protection of government? Outlawed, exiled, liable to be insulted, robbed, murdered!—nay sometimes worse; for there are sufferings that to the softer sex are worse than death itself;—and all this because they chose to worship God in their own way; and all this done by their own countrymen; by their brethren. Ah! and by fellow christians too; and this all for the glory of God; for the promotion of the true christian religion. Heavens! I confess when these days and these doings are brought to my remembrance, I lose all patience, and can scarcely refrain from cursing the perpetrators of such crimes, and am sometimes almost warm enough to be illiberal towards those who are even at this day continuing this same system of persecution, by advocating a continuance of the religious test in Maryland; it humbles, it degrades, it makes me sad to think that we have still those among us recorded christians too, who notwithstanding the lessons we have learned in the examples and experience of other states, are so devoid of christian love and charity, as to break the most sacred commands of the gospel; for next to God, we are commanded to love our neighbour, as ourselves; and who is our neighbour? If we read the story of the good Samaritan, as told by our Saviour himself, we will not long remain ignorant; and may we not only read, but go and do likewise.

After religious persecution had ceased in England, there was also peace in Maryland, and in 1676, an act was passed rendering perpetual the liberal act of 1649 which I have already quoted; and this proves conclusively that when the Catholics of Maryland were in power, they shewed far more liberality in religious matters than either the Puritans or Episcopalians, and I am gratified in being able to pay this tribute to them with justice and with truth; and brought up as I was, a strict Presbyterian, and taught to hold Catholics in abhorrence, it gives me much pleasure to say that the more I have seen and known of them, the more I esteem and regard, the better—I love them.

And for their liberality in Maryland, the Catholics were most generously and kindly repaid after the revolution of 1688, when William and Mary succeeded to the British throne in the room of James the second. At an assembly held at St. Mary's in 1692, an act was passed establishing the church of England in Maryland entitled, "An act for the service of Almighty God, and the establishment of the Protestant Religion in this Province." Among other things it was provided by this act that each taxable, should pay forty pounds of tobacco annually, for the use and benefit of the minister; and every male resident above the age of 16 years was accounted a taxable, also all female slaves and mulattoes, born of white women, and free negro women. This



law was repealed by an act of assembly passed in 1696, but which his majesty dissented from; and in 1702, an act was passed at Annapolis, entitled, "An act for the establishment of religious worship in this province, according to the church of England, and for the maintenance of ministers." This act continued in force until the revolutionary war, and it also provided that all taxables, should pay 40 pounds of tobacco to the minister of the parish, and that protestant dissenters should be exempted from penalties, or forfeitures, on account of their dissenting. Laws were passed about the same time to prevent the growth of Popery, and in 1716, an act was passed entitled "An act for the better security of the peace and safety of his lordships government and the Protestant interest."—Which effectually proscribed Catholics from office, and which may be considered as the origin of our religious test, for this is the first religious test which I can find upon our records.

Among the oaths of office required to be taken by this act, under a heavy penalty were the following:—"I, A B, do swear, that I do from my heart abhor, detest and abjure, as impious and heretical, that damnable doctrine and position, that Princes excommunicated, or deprived by the Pope or any authority of the See of Rome, may be deposed or murdered by their subjects, or by any other whatsoever. And I do further declare that no foreing Prince, Person, Prelate, State or Potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, Ecclesiastical or Spiritual within the kingdom of Great Britain, or any the dominions thereunto belonging. So help me God."

"I, A B, Do declare that I do believe that there is not any transubstantiation in the sacrament of the Lords Supper, or in the elements of bread and wine, at or after the consecration thereof by any person whatsoever."

And it was further enacted that if any person who had taken the said oaths should afterwards be present at any Popish assembly, conventicle or meeting, and join with them in their service at mass, or receive the sacrament in that communion, he should forfeit his office and incur the penalty limited by the act, and be incapable of holding any office, until he should be reconciled to the church of England, and receive the communion therein.

Here was persecution with a vengeance, here was proscription in its most detestable form. The Holy Sacrament of the Supper, the most sacred ordinance of every christian church was to be profaned, as it is at this day in England and Ireland; where men are compelled by law to "*eat and drink damnation to themselves*;" as a qualification for office; for no matter what is the character; no matter what is the religion, no matter how dessolute a life he may lead, the most abandoned reprobate, before he can execute the duties of his office must receive the communion according to the church of England.

Nor was this all; there was more persecution in reserve. Catholics were to be disfranchised completely. An act was passed at the session of 1718, ch. , which after complaining of the increase of professed Papists, and apprehensive that their party would so increase in the province as well as in the city of Annapolis, provides "that all professed Papists whatsoever, be and are hereby declared incapable of giving their vote in any election of a delegate or delegates, unless they first qualify themselves by taking and subscribing the oath of abjuration and declaration which I have just read. Nay more, if they were even suspected to be Papists, Popishly inclined, these oaths and subscriptions were to be tendered to them, and upon refusal, their votes were to be set aside. And to prevent the increase of Papists, twenty shillings sterling was imposed as a duty on all Irish servants brought to Maryland by land or water, this was afterwards repealed as to Protestants, but an additional duty of twenty shillings current money was imposed on Papists, and to discover them, the oath of abjuration was to be administered, and when lands were taxed to raise supplies for public expences, those of Catholics were taxed double the sum paid by Protestants; nay the very tenderest feelings of human nature were outraged by an act passed in 1715 chap. 39, by which the children of a Catholic widow, or one who intermarried with a Catholic, could be torn from her arms, taken from her protection, and put under the guardian care of a Protestant, to be brought up in that religious faith.

I cannot think on these things, Mr. Speaker, with any degree of patience, but I cannot let them pass without freely expressing my abhorrence and detestation of such abominable acts; they were acts disgraceful to Maryland, disgraceful to humanity, and most disgraceful to the Christian name and character; and yet these criminal acts, for I cannot call them by a softer name, were all perpetrated in the blessed name of christianity, all for the support of the true religion.



For almost three score years the Catholics were doomed to suffer a worse than Egyptian bondage, but their day of redemption came at last, and when the oppression and folly of the British government drove the people of this country into a revolution, no wonder the Catholics of Maryland were found foremost in the ranks, no wonder that they were all, or nearly all, Whigs, and a Catholic Tory, a rare character.

And this was a favorable crisis for them to insist on a restoration of their civil and religious privileges; they were a large and respectable portion of citizens, and they could use with propriety, language such as this to their Protestant brethren. "The question of American Independence is about to be settled; War is at hand, and our blood must flow, and our fortunes be spent in the cause of our country; we have with you felt the evils of tyranny and oppression, which the British government have so long and so unjustly inflicted, but we have felt those evils more severely, they have attempted to tyrannise over our minds, and because we adhered to the religion of our fathers, they have disfranchised us, proscribed us from office, denied us the enjoyment of civil rights, and branded us as dangerous members of society. This state of things must not longer continue, we must no longer be punished for our religious opinions; we must no longer be proscribed from office, we must no longer be denied the right of suffrage, we must no longer pay double taxes, nor must we be taxed at all, for the support of the ministers of another religion, for we hold these truths to be self evident "That all men are created equal" and "that it is the duty of every man to worship God in such manner as he thinks most acceptable to him"—we ask no peculiar privileges; but we ask to be put upon an equal footing with the rest of our fellow citizens; we ask as freeman of Maryland the restoration of those rights recognised and acknowledged by the first founder of the state; this done and we are satisfied, this granted and we are with you, heart and hand, our motto, "Independence or Death."

And could requests so reasonable have been denied by those patriotic men who were taking up arms to resist the encroachments, and the tyrannical measures of Britain—could they have consistently refused to do justice at home—no, it would have been impossible, the religious test as to Catholics was abolished; the Church of England was no longer the established Church, and taxation for its exclusive support was done away; for ever.

This was a great victory gained by the Catholics, it was granting them all that they had ever asked, all that they ever claimed in Maryland even when they were in power; and it may be asserted with confidence that it was to satisfy them that the 35th article of the declaration of rights was inserted, which is in these words: "That *no other* test or qualification ought to be required, on admission to any office of trust or profit than such oath of support and fidelity to this state, and such oath of office as shall be directed by this convention or the legislature of this state; and a declaration of a belief in the christian religion."

Had "*no other test*"—no other religious qualification, existed previously to the revolution in Maryland, the presumption is that no test would have been required, other than an oath of fidelity to the state, and this is the more probable, from the fact that religious tests were not required in any other state, save Massachusetts. But as "*other tests*" had long been in existence, the Catholics were perfectly right to make provision to protect themselves in future, for had the declaration of rights been entirely silent on religious subjects they had reason to fear from past experience that they might again be proscribed from office, and taxed for the support of another church; and they had warning not only from their own sufferings but from the persecution of their Catholic brethren in other states, particularly in New York, previous to the revolution to be cautious in providing due guards for their future protection and self-preservation, for even in July 1776 before the adoption of our constitution it had been declared in the constitution of North Carolina "that no person who shall deny the truth of the Protestant religion shall be capable of holding any office"—and the constitution of New Jersey adopted also in 1776 declared that it was only believers in the Protestant faith who should be entitled to enjoy civil rights or be eligible to office. It was then wise and correct in the Catholics of Maryland to demand a solemn pledge that they should enjoy equal rights with the rest of their fellow citizens, this pledge was given, and this no doubt inspired them with more than common zeal and courage—they embarked in the Revolutionary contest with a noble ardour, none were more patriotic, none were more zealous in supporting the principles of seventy-six, none stood higher in their country's estimation; in the field their blood flowed freely, in their councils of the state and the nation they held the highest offices and filled them with much honor to themselves and advantage to their country, one of those illustrious men who signed the declaration of Independence Charles Carroll, of Carrollton was a Ma-



ryland Catholic, and the second Governor under the new constitution Thomas Sim Lee was another. What a change was this, and what evils arose to the state from this great change? None, on the contrary positive good was the consequence; and always will be, of a liberal and just course of conduct.

It was therefore Mr. Speaker the persecution and proscription of the Catholics, that caused the religious test to be first used in Maryland, this was its first origin, persecution was its first parent, it was nurtured by superstition and prejudice, and though always a pale sickly child, unable to bear the sun or to breathe the pure air of liberty, yet under the influence of priestcraft, in the hot bed of oppression it grew in stature; it assumed the meek, mild and heavenly form of christianity, but its temper was that of a demon, blinded by intolerant zeal, led astray by fanaticism, it vented its fury on those who worshipped the same God, and believed in the same Saviour, but it received from the spirit of seventy-six a deadly blow, a mortal wound; its agonies have been long and painful, but its time has come, its end is at hand, and it would be an act of kindness and mercy to let its troubled spirit depart in peace—an outcast from every state but Maryland, it is doomed to die where it received its birth—and its grave like that of murderers will be avoided with horror and detestation; its memory, let it be blotted out forever.

And as good often arises out of seeming evil, the very proscription of the Catholics which gave ~~to~~ to the religious test, has ultimately proved not only advantageous to them, but to the cause of religious liberty; for the concessions made to them, the principles asserted in the declaration of rights completely dissolved the *unholy* alliance between church and state in Maryland; and dissolved at such a crisis, severed under such circumstances, the act sealed with blood and ratified by patriotism, promises fair to be a perpetual, an eternal separation; and woe to the man who ever dare attempt, openly or secretly, directly or indirectly, to re-unite those whom Heaven itself has forever put asunder.

“Woe to the traitor, woe.”

And I again repeat that had the constitution of Maryland been framed at a later period, there is no doubt but it would have recognised the liberal principle that no religious test should ever be required; the subject was much better understood after the close of the war, and was fully and frequently discussed previous to the adoption of the United States constitution, the views and sentiments of some of the leading statesmen of that period are well expressed in the “federalist” a well known publication, and from which I shall read a few extracts.

“In politics as in religion, it is equally absurd to aim at making proselytes by fire and sword—Heresies in either case can rarely be cured by persecution.”

And speaking of the constitution it is observed.

“The door is open to the merit of every description, whether native or adoptive whether young or old, and without regard to poverty or wealth, or to any particular profession of religious faith.”

“The aim of every political constitution is, or ought to be, first to obtain rulers men who possess most wisdom to discern, and most virtue to pursue the common good of society.

“And again who are to be the objects of popular choice? Every citizen whose merit may recommend him to the esteem and confidence of his country. No qualification of wealth, of birth, of religious faith, or of civil profession, is permitted to fetter the judgment, or disappoint the inclination of the people.”

These few extracts shew the opinions of the fellow labourers and bosom friends of Washington, and time has sanctioned their noble sentiments with full approbation. Maryland has long approved them, and she is again about to shew her approbation by adopting their very language and announcing to the world—that “no religious test shall ever be required as a qualification to any office or public trust, under the state of Maryland,” and the honorable task devolves upon us to declare her will, and to put upon record our assent to principles which ought ever to be held sacred, and which have been approved by almost every enlightened statesman, of every party both in this country and on the other side of the Atlantic. And Mr. Speaker to be plain and candid, I must say that I would rather be a door keeper in this house after the passage of the present bill, than to fill your honorable chair, whilst the odious test remains—for it is not rank or station that confers merit—and I have known as much honesty and real worth in a humble door-keeper, as in those who have filled the highest stations.

“The man’s the man for a’ that.”



Why should we continue a test, unknown, unasked in any other of our sister states; unknown, unasked under the government of the United States? it is not necessary, it is not right, it is ridiculous, it is absurd, it is a stain upon Maryland, and it countenances a vile slander; it virtually acknowledges what I absolutely do deny, what I pronounce to be false, that we have so many among us who are enemies to the christian religion, that we cannot trust any man even to be a constable until he makes a declaration of his belief, and that not once in his life, but every time he is appointed to any office. If elected to this house for twenty years in succession, if chosen to the senate for five years at one time, he must every year declare and sign himself a christian, and this is accompanied with another insulting oath. "That he does not bear allegiance to the king of Great Britain." An oath which at the session of 1820, I endeavored in vain to get abolished, but which the good sense of this legislature will I am satisfied send to the same tomb with the religious test. Our allegiance to heaven is doubted in the one case, and our allegiance to the state in the other; and doubted, although from our cradles we have been known to be openly and avowedly christians, and although we may have served seven long years in the revolutionary war, and have fought and bled in the cause of Independence, and although that Independence was acknowledged by Britain herself forty years ago; surely, surely it is time to put an end to their inconsistencies to abolish those absurd and unnecessary qualifications to office.

But is christianity not to be protected? protected against whom? who are its enemies? I know of none. Public opinion protects it, and public opinion is sufficient to restrain and defeat all attempts that may be made to injure the cause of religion. Female influence strongly protects it; the sweet example of one lovely woman is superior in power, to ten thousand religious tests—they irresistibly impel us to be virtuous; from woman in infancy we first learn those precepts of religion which we never forget—they mould us in youth, and they manage us in age—they are our best friends and our best instructors—and never does woman appear in so lovely and interesting an attitude, as when on her knees at the throne of grace; nor can purer incense ascend on high than the prayers of an affectionate and virtuous woman—and thank heaven, woman lovely woman is on my side, and many a devout request is at this moment made, by many a noble hearted woman that this bill may pass; and their prayers will be heard in heaven, and favorably answered.

But even than public opinion—even than woman—a greater is here. The christian religion does not require—does not stand in need of human protection—it does not command—it does not authorise the interference of the civil power to aid its cause—it is all powerful in itself, and its divine author has said that the gates of hell shall never prevail against it; and I appeal to this blessed book (the Bible) and assert that it neither commands nor requires the interference of the civil authority in its behalf. "It is not of this world." Salvation is here freely offered to men, but if the precious boon is refused, they are not answerable at any human tribunal for their neglect—they are not to be punished and denied the enjoyment of civil rights because they do not embrace the doctrines of the gospel—nor are they to be tempted with the offers of office, and power and wealth to make or keep them christians. Christianity has no persecution about it—it is not congenial to its growth, its first principles are peace and good will to all men—it condemns all uncharitableness, it inculcates kindness to all—even to our enemies—its spirit is love—love to God, and love to man—it denounces bigotry and hypocrisy—declares that mercy is better than sacrifice—forbids us to judge others lest we be judged, and tells us in language too plain to be misunderstood that faith without works is dead, and that he, who saith he loves God and hateth his brother is a liar.

I am not an enemy to christianity, it is as I have told you, the religion I profess to believe—it was my fathers—it is my childrens—it is my best hope on earth, and enables me to bear up with some degree of fortitude against the troubles and trials of life—I am not a half way christian, in my belief—whatever I may be in practice—I believe in the Holy Trinity, and if I know myself rather than abjure my religion, I could walk with perfect resignation from this house to the scaffold. And it is that very religion which has taught me not to condemn another because he differs from me in opinion; to his own master he standeth or falleth. Poor, weak, fallible creatures as we are; who gave us the power to judge others for their opinions? We have no such power and how therefore dare we impiously usurp the power of the deity and punish our brother for his very thoughts—those thoughts which God has created and ordained to be free. How dare we attempt to avenge the insults which we suppose are offered to him who has said "vengeance is mine—I will repay."



I was much pleased a few mornings past, when my young and amiable friend, from Talbot came into the Washington room, and observed in style and language far more eloquent than I can use, how much goodness was displayed by our Creator. See (he said) "How beautiful does the glorious sun rise in the East upon a guilty and a sinful world." He was right. God is indeed kind and gracious to man—his remarks were strong and impressive, and strong in favour of the principles I advocate. The sun does rise on the evil and on the good, and he sendeth rain upon the just and upon the unjust, and we are commanded by our Saviour himself to imitate our maker in his divine perfections—in his acts of goodness, loving kindness and tender mercy, which are declared to be over all his other works; to "be perfect even as our Father in Heaven is perfect;" and these acts of imitation are within our power—it is only in such acts that we can imitate him. We can "love our enemies"—we can "bless them that curse us"—and "do good to them that hate us"—and we can "do unto others whatsoever we would that they should do unto us." This is christianity, and stronger arguments against test laws cannot be adduced, they will convince, I trust even my friend from Talbot; for if God can bear with sinful man, cannot sinful man bear with his brother; must he not only take him by the throat and say "pay me that thou owest"—but must also tell him you shall believe as I do, else you shall be punished, you shall be proscribed from office—denied the enjoyment of your civil rights, taxed to support the ministers of a religion in which you do not believe—you shall be taxed doubly to pay the expences of a government in which you are not represented—if all this will not convince you, and convert you, if you will not turn apostate from the religion of your fathers—you shall be outlawed, banished, exiled, from your home, your property confiscated, your home branded with infamy—and if still incorrigible—still heretical—you shall be brought to the rack—tortured to death, or suffered to expire on a gibbet like a felon, or in the more cruel flames; and all this out of pure love to your immortal soul—all this to make you a true christian.

It is almost madness Mr. Speaker to think that all these dark deeds have been done, and done in the name of religion; done under the cloak of christianity; done did I say—they are yet daily done, done in some degree in Maryland, done in England, in Ireland, miserable, wretched heart-broken Ireland—and done, or done of late in their worst forms in Spain and Portugal;—and if they are justifiable in the least, they are justifiable in the highest degree, for they all spring from the same infernal parent, persecution. Yes, Maryland, our own Maryland, has been the scene of religious persecution, and our statute book presents some laws which the zealous christians of 1716, and 1723, thought as necessary, as some among us now do the religious test—it is only three sessions ago, since one of those abominable laws was repealed, which provided, for boring the tongues and branding the foreheads (sweet christian remedies) of those who did not believe in the Holy Trinity or denied the unity of the God Head, &c. These laws shew us what man is, when he is lead away by religious zeal; this shews the necessity of protecting the rights of conscience against all earthly interference, for once admit the principle that we may interfere with the rights of conscience in any, the least degree, there is no point at which we can stop—no limits to tell us—hitherto may we come, but no further"—it may begin with the person or property, but it has no bounds but the grave—its limits end only with life.

But who are proscribed in Maryland, who are denied the enjoyment of civil rights on account of their religion? Every man is proscribed who does not declare and subscribe his belief in the christian religion; and some as worthy citizens as any in the state, and who stand as high in public estimation, are thus proscribed. Men who in peace and in war have proved themselves faithful and true to their country's cause, men too, who worship the same God, and who have the same revelation with us; who believe in a future state of rewards and punishments; from whom our religion is derived, "from whom pertaineth the adoption, and the glory, and the covenants, and the giving of the law, and the service of God and the promises; whose are the fathers and of whom as concerning the flesh Christ came, who is over all, God blessed for ever." Rom. 9 chap. v. 4 & 5. To them we are indebted for a principal part of our religious exercises; their ten commandments we have adopted; their psalms we sing every Sabbath day; their principles we profess; their precepts we inculcate; from the cradle to the grave, we are indebted to them, and to their religious writings. We are told of Noah's Ark, and of the Red Sea, at our Baptisms—Isaac and Rebecca are pointed out to us as a faithful pair when we are united in marriage, and when we are carried to our long home, to the house appointed for all living, the words of their prophet are proclaimed.—"I know that my Redeemer liveth, and that he shall stand at the latter day upon the earth;"—and when the last sad scene is about to close on us, when earth is



committed to earth, ashes to ashes and dust to dust, again the beautiful language of their inspired writer sounds with a pleasing melancholy air in the ears of survivors, and warns them too to prepare; tells them that "man that is born of a woman is of few days and full of trouble." Yet strange to say though in religion we unite with them and though we use their very religious writings in our most solemn feasts and ceremonies, yet we give our religion as an excuse for not admitting them to the enjoyment of civil rights—we deny to the most worthy among the Hebrews, the privileges granted to the most profligate, to the vilest of the vile, who will call himself a christian, even though by his conduct he denies and disgraces his profession.

Their religious doctrines are contained in the Old Testament—in Moses and the Prophets—and what does the church of England say in the seventh article of religion of the Old Testament—these are the words—"The Old Testament is not contrary to the new; for both in the Old and New Testament everlasting life is offered to mankind by Christ who is the only mediator between God and Man, being both God and Man. Wherefore they are not to be heard, which feign that the Old Fathers did look only for transitory promises." Under this explanation from the church itself, our Hebrew brethren might come forward and sign a declaration of their belief in the christian religion—for they too believe in the Messiah—and it shews that they are truly conscientious and faithful even to the letter of their religious professions, for they prefer suffering persecution to doing any act that might be construed even doubtful.

But it is not only in the articles of the church that the children of Israel are counted as christians; we are told in the epistle to the Hebrews, that Moses "esteemed the reproach of Christ greater riches than the treasures of Egypt;" and we are told in the same epistle of the faith of a long list of patriarchs from Abel to Samuel, we are told by Christ himself that "Abraham rejoiced to see his day, and he saw it and was glad;" he tells us that "Moses wrote of him—and he also declared that Salvation is of the Jews."

And as salvation was of the Jews in the days of old, so we are again to be indebted to their persecution for the complete triumph of religious liberty in Maryland; and as it was the persecution of the Catholics that led the way to the dissolution of church and state—so the proscription of the Jews will end in benefitting not only them and their christian brethren, but will shed lustre on the character of Maryland by causing the religious test to be abolished for ever.

What does our test laws say to the Hebrews: It tells them that they shall perform all the duties, and bear all the burthens of citizens without enjoying common privileges, this is unjust, and it is peculiarly and severely felt by parents, and every parent knows how dear a child's welfare and happiness is, but what do we say to parents in Israel. We tell them your son may be all that is wise and good, he may take the first honors at school, both for learning and good conduct; he may possess talents of the first order, and merit the most exalted, be beloved by his fellow citizens; and capable of doing them much service—but let him be as wise and patriotic as Washington, he never can represent the people in the legislature, or command them in the militia; let his legal acquirements be ever so great, and his eloquence ever so brilliant, he will not be permitted to plead at the bar, or sit upon the bench—he cannot be an attorney, a judge, a justice—no not even a constable; he must serve on juries, pay taxes, bear all public burthens, do militia duty, and yet be denied the enjoyment of those civil rights which every other member of the community enjoys.

Am I in Maryland Mr. Speaker, and are these things done here. In that Maryland who in the times that tried men's souls was found faithful and true and whose gallant sons reaped a rich harvest of honor—in that Maryland whose bravery on the ocean, the lakes and the land in the late war was often nobly displayed, that kind, good virtuous, hospitable Maryland—is it possible that Maryland is so cruel to her own offspring, so hard hearted to her own children, as to deny them a seat at her table, to refuse them a portion of that bread of which she has enough and to spare. It is too true, these things are so. Yet Maryland is not to blame. she has been kept in ignorance, she knew not that some of her children were kept in bondage by prejudice and superstition; but she hears their voice, she bursts their prison doors and sets them free; she kindly embraces them, and they seem dearer to her from the sufferings they have so long and so patiently endured.

This bill ought to pass if it was only to do justice to the long oppressed Hebrews; but it is not for their benefit alone; it is establishing a general principle which ought to have been incorporated into our constitution long ago, a principle sanctioned by reason, by religion and by common sense; a principle recognised in every other state in



the union, approved by the patriots of the revolution, sanctioned by wisdom and virtue, and tested by experience.

I have consumed much of your time Mr. Speaker, and could still say much more on this important subject, for every day and almost every hour there is something new in relation to it brought to my knowledge. I consider it the most important subject that will come before us this session—our finances it is true are not in a flourishing condition, and will require attention, but “ways and means,” will be found to bring us out of difficulty—the state is still solvent, the state is rich, rich in resources, but what is a money question in comparison with one involving the great principles of civil and religious liberty—let us do justice in this respect, and we need not fear but what our money concerns will all be easily, and satisfactorily arranged.

For the present then I will pause, to hear what others may have to say, and as I have had the first, I should wish to have the last word on the subject. A few short years at most Mr. Speaker, and you and I and all who now hear me must leave this transitory scene—let us then pass this bill—let us pass it unanimously, we never will repent it—even on a dying pillow it will comfort us to think that we have done at least one good act in our lives that we have been instrumental in establishing religious freedom in Maryland—that we have broken the yoke of superstition and prejudice and let the oppressed go free, and that we have caused happiness to many an anxious heart.

Lay old superstition low,  
Let the oppressed people go,  
To the Bill let none say no,  
Aye! unanimously.

*List of the Members of the Maryland Convention who ratified the Constitution of the United States.*

In convention of the delegates of the people of the state of Maryland, April 28, 1788.  
We the delegates do assent to and ratify the constitution of the United States.

GEO. PLATER, *President.*

Richard Barnes,  
Charles Chilton,  
N. Lewis Sewell,  
William Tilghman,  
Donaldson Yeates,  
Isaac Perkins,  
William Granger,  
Joseph Wilkinson,  
Charles Graham,  
John Chesley, Junr.  
W. Smith,  
G. R. Brown,  
J. Parnham,  
Zeph. Turner,  
Mich. Jenifer Stone,  
R. Goldsborough, Jr.  
Edward Lloyd,  
John Stevens,  
George Gale,  
Henry Waggaman,  
John Stewart,  
John Gale,  
N. Hammond,  
Daniel Sullivan,  
James Shaw,  
John Gilpin,  
H. Hollingsworth,  
James Gordon Heron,  
Samuel Evans,  
Fielder Bowie,  
Osborne Sprigg,

Ben. Hall,  
George Digges,  
Nicholas Carroll,  
A. C. Hanson,  
James Tilghman,  
John Seney,  
James Hollyday,  
William Hemsley,  
Peter Chaille,  
James Martin,  
William Morris,  
John Done,  
Thomas Johnson,  
Thomas S. Lee,  
Richard Potts,  
Abraham Few,  
William Paca,  
J. Richardson,  
William Richardson,  
Matthew Driver,  
Peter Edmonson,  
James M'Henry,  
John Coulter,  
Thomas Sprigg,  
John Stull,  
Moses Rawlings,  
Henry Shryock,  
Thomas Cramphin,  
Richard Thomas,  
William Deakins, Jr.  
Ben. Edwards,



List of the Members of the Convention who formed the Constitution of the United States.

GEORGE WASHINGTON, President  
and Delegate from Virginia.

New Hampshire.

John Langdon,  
Nicholas Gilman.

Massachusetts.

Nathaniel Gorham,  
Rufus King.

Connecticut.

William Samuel Johnson,  
Roger Sherman.

New York.

Alexander Hamilton.

New Jersey.

William Livingston,  
David Bearley,  
William Paterson,  
Jonathan Dayton.

Pennsylvania.

Benjamin Franklin,  
Thomas Mifflin,  
Robert Morris,  
George Clymer,  
Thomas Fitz Simmons,  
Jared Ingersoll,  
James Wilson,  
Governor Morris.

Delaware.

George Reed,  
Gunning Bedford, Jun.

Maryland.

James McHenry,  
Daniel of St. Thomas Jenifer,  
Daniel Carroll.

Virginia.

John Blair,  
James Madison, Jun.

North Carolina.

William Blount,  
Richard Dobbs Spaight,  
Hugh Williamson.

South Carolina.

John Rutledge,  
Charles Cotesworth Pinkney,  
Charles Pinkney,  
Pierce Butler.

Georgia.

William Few,  
Abraham Baldwin.





